IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELATE CIVIL JURISDICTION

WRIT PETITION NO.268 OF 2005

Army Institute of Technology ..Petitioner

Vs.

P.V.S. Krishnan ..Respondent

Mr.S.V. Pitre for Petitioner
Mr.Abhay Pandey i/b. M.P. Vashi for Respondent
Mr.Girish Kulkarni i/b. Mr. M.G. Kulkarni for Respondent nos.2 & 4.

CORAM: F.I. REBELLO &
S.P. KUKDAY, JJ.
DATE: 31ST JANUARY, 2005.

P.C.

. The petitioner is aggrieved by the decision of the Grievance Committee dated 20th June, 2003. On behalf of the petitioner learned Counsel contends that it was not open to the Grievance Committee considering Section 57 to decide the same. In our opinion the matter pertains to the conditions of service of an employee as is covered by the Section 57 of the Maharashtra Universities Act. It was therefore, open to the respondent to make the grievance and for the Grievance Committee to consider the said grievance. The decision therefore of the Grievance Committee is within jurisdiction and consequently the first contention of the petitioner has to be rejected.

2. The second contention as urged on behalf of

the petitioner is that the respondent in fact is entitled only to a sum of Rs.65,000/- whereas he had taken advance of Rs.67,500/-. The finding by the Grievance Committee is that the respondent is entitled to a sum of Rs.99,500/-. To our mind the findings of facts are based on materials placed on record and in terms of letter of appointment, the order does not suffer from any error of law apparent of the fact of the record and, therefore, no interference is called for. Similarly for the academic year 2002-2003 the respondent is entitled to sum of Rs.26,000/-. No interference is called for with the finding on that aspect.

3. Considering that the petitioner is entitled to pay to the respondent the amount as awarded by the Grievance Committed there will be no question of the petitioner herein deducting any amount from the dues of the respondent. If there be any deduction the petitioner to pay the amount to the extent which the Respondent is entitled to. With the above observations the petition is disposed of. No order as to costs.

(F.I.REBELLO,J.)

(S.P. KUKDAY,J.)